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April 7, 2016

VIA ECF

Hon. Claire C. Cecchi, U.S.D.J.
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: D'Antonio v. Borough of Allendale, et als.
Civil Action No.: 2016-cv-00816 (CCC)(JBC)

Dear Judge Cecchi:

This firm represents Defendant John Albohm in the above matter. We write in opposition to the Plaintiff's Notice of Motion for "Final Default Judgment".

Plaintiff's Motion must be denied as service of the Complaint has neither been achieved nor waived pursuant to F. R. Civ. P. 4(c)(1) or 4(d). Plaintiff's Motion papers are devoid of any proof of service of the Complaint, let alone any sworn statement that the Complaint was served with a summons as mandated as F. R. Civ. P. 4(c)(1). Indeed, Docket Entry 8 reveals that no summonses were issued by the Clerk in this action until March 31, 2016. In any event, when and if proper service of a summons and Complaint on Mr. Albohm is achieved or waived, the Defendant will have not less than twenty-one (21) days to respond to it by Motion or responsive pleading.

Accordingly, for the foregoing reasons, we respectfully request that the Motion be denied.

Respectfully yours,

RIVKIN RADLER

s/Frank Holahan

Frank Holahan

FH/jdc

cc: Michael D'Antonio, *Pro Se* (via ECF)
All counsel of record (via ECF)

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